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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: van Lengerich

Reference No.: 5234 DIV

Serial No.: 09/782,320

Group Art Unit: 1616

Filed: February 13, 2001

Examiner: George, K. M.

For: EMBEDDING AND ENCAPSULATION OF
SENSITIVE COMPONENTS INTO A MATRIX
TO OBTAIN DISCRETE CONTROLLED
RELEASE PARTICLES

RESPONSE TO RESTRICTION REQUIREMENT
AND SECOND PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

March 28, 2002

Sir:

Responsive to the restriction requirement dated February 26, 2002, Applicant hereby elects the neutraceutical component and species probiotics, without traverse and without prejudice to Applicant's rights to file divisional application(s) on the subject matter of the non-elected areas.

If one or more generic claims are found to be allowable then Applicant respectfully requests that the restriction request be withdrawn pursuant to MPEP 809.02(c)(B) and that the Applicant be notified of the allowable subject matter.

Applicant believes that while simple differences may exist within the claims, such

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01 FC:103 differences are not sufficient so as to allow the restriction, and it is believed that the
18.00 CH claims should be examined together. However, and while the Examiner has not clearly

04/29/2002 TSUGGS 00000003 070900 09782320
01 FC:115 stated the groups of claims to be grouped pursuant to MPEP 809.02(a)(B), in order to be
110.00 CH complete, Applicants elect the neutraceutical component and species probiotics for

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van Lengerich
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claims 25 through 46, 48 through 50, 52 through 75 and 77 through 89 for prosecution in this case.

The selection of claims is believed to be appropriate as the claims are generic to the component and species selected above in that the subject matter can be used in the facilitating the delivery, including the prevention of premature release of the matrix of the instant invention, and physical and functional attributes of the encapsulated product.

AMENDMENT

Please add the following new claim:

B' SUB D1
--90. An encapsulated product according to claim 25, wherein said encapsulant is omega-3 fatty acids.

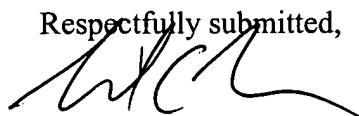
REMARKS

Applicant believes that the new claim 90 is readable on the elected component and species and should be examined with the claims. Support for the amendment can be found on page 14, lines 24-25 of the instant application.

Should any small matters remain outstanding, it is requested that the undersigned attorney be given a call so that such matters may be worked out and the application placed in condition for allowance without the necessity of another action or amendment.

The Commissioner is hereby authorized to charge any fees associated with this response to our deposit account number 07-0900.

Respectfully submitted,


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